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RUEHGV/USMISSION GENEVA 8660  
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UNCLAS SECTION 01 OF 03 NEW DELHI 002391

SENSITIVE  
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DEPARTMENT FOR SCA/INS, DRL, DS/IP/SCA

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TAGS: PGOV PTER PREL PINR KDEM IN  
SUBJECT: LIBERHAN LEAK STEALS REPORT'S THUNDER

REF: A. NEW DELHI 2354  
    1B. NEW DELHI 2330  
    1C. NEW DELHI 1278

¶1. (SBU) SUMMARY. The list of political scandals awaiting Prime Minister Singh upon his return from Washington has grown with the release of the Liberhan Commission report. Bowing to immense pressure from the Opposition, Home Minister F.M. Chidambaram presented the report in the lower and upper houses of Parliament on November 24. The report had been allegedly leaked by the Congress Party a day earlier to distract the public and media from contentious issues such as price rises and party scandals. The report investigates the 1992 destruction of the Babri Masjid, a mosque in the northern Indian town of Ayodhya, by Hindu mobs who claim that Muslims had torn down a Hindu temple at the site over 500 years ago. The report, 17 years in the making, concludes that the mosque's destruction was a premeditated attack with the implicit approval of Bharatiya Janata Party (BJP) leaders, including L.K. Advani and former Primer Minister Vajpayee. Contacts assess that the report will have little impact, as it confirms what most people already suspected and puts forth weak recommendations. Overall, the Opposition has emerged as the big winner in the drama as it again proved its ability to corner the Congress Party and unite over issues of its choosing. The Congress Party's leak backfired, as the BJP focused media attention on the leak, rather than the report's contents. The BJP lost some ground to the report's vilification of several prominent party leaders. However, the rallying cry the report provided to the party's Hindu cadres more than compensated for this. Contacts predict that the furor over the report will soon pass, as the dramatic rise in food prices has a much heavier impact on the common man than the 1992 mosque destruction. END COMMENT.

Ghosts of Babri Masjid

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¶2. (SBU) The long-awaited report -- 17 years and USD 1.3 million in the making )- investigates the 1992 destruction of the Babri Masjid, a mosque in Ayodhya, Uttar Pradesh, by radical Hindu activists who claim that Muslims had torn down a Hindu temple honoring the god Ram in the 16th century on

the same site. The mosque's destruction set off a wave of violent clashes between Hindus and Muslims that killed an estimated 2,000 people and marked the worst communal violence since partition. At the time of the mosque's destruction, the BJP was a small, right-wing party that propagated Hindutva (political Hinduism). In what has been called a watershed event in Indian history, Ayodhya set the stage for the BJP to consolidate its electoral base and eventually come to power in Delhi. The Liberhan Commission, named for the former high court Judge M.S. Liberhan who headed the investigation, was established days after the mosque demolition. The Commission convened over 400 sittings and requested 48 extensions over nearly two decades. The report has been anxiously awaited since June 2009, when Justice Liberhan submitted his findings to the central government.

Liberhan Leak

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¶3. (SBU) The contents of the Liberhan Report were leaked to the Indian Express newspaper November 24, raising a firestorm in Parliament. This is the second time in three days of the current winter session of Parliament that the United Progressive Alliance (UPA) has been blind-sided by the Opposition. It was forced to backtrack last week on a sugarcane pricing measure after the opposition parties mobilized a huge rally in the capital and froze proceedings in Parliament (Ref A). Before the GOI had fully resolved the sugarcane issue, the Opposition seized the Liberhan leak as another opportune moment to corner the Congress Party.

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Opposition parties accused Congress of deliberately leaking the report to distract the Parliament and public from urgent issues such as price increases and corruption, an allegation confirmed by most contacts. Congress MP Raashid Alvi dismissed the leak, telling Poloff the leak was "being blown out of proportion by the BJP and its allies. They should focus more on what they shamefully did 17 years back."

¶4. (SBU) The BJP, Samajwadi Party (SP), and the Left united in demanding that the government release the report immediately. BJP leader Advani responded angrily to the leak and called for an inquiry into its source. He repeated that the destruction of the Babri Masjid was the "saddest day of my life," adding that he remains fully committed the construction of a Hindu temple at the site.

Parliament Theatrics

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¶5. (U) Yielding to heavy opposition pressure, Finance Minister Pranab Mukherjee convened a special Cabinet meeting to approve the release of the Liberhan Report in Parliament on November 24. Home Minister Chidambaram presented the report to the upper and lower houses of Parliament at noon that day. In the upper house, an unruly scene followed the report's tabling. Samajwadi Party (SP) Leader Amar Singh and his BJP counterpart S.S. Ahluwalia came to blows on the Parliament floor after the latter began shouting a slogan about the god Ram. During the scuffle, Deputy Chairperson K. Rahman Khan walked out without even bothering to adjourn the house. Most Parliament watchers attribute Singh's violent outburst as a feeble attempt to court Muslim voters who abandoned SP in the recent U.P by-elections (Ref B). The Lok Sabha (lower house) will debate the Liberhan report on December 1.

Bold Accusations and Weak Recommendations

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¶6. (U) The 1029-page report accuses top BJP leaders, including Advani and former Prime Minister Atal Bihari Vajpayee, of implicitly approving the systematic, premeditated destruction of the mosque. Liberhan condemns Advani as a "willing collaborator" in the incident and

concludes that the mosque's destruction was "a joint common enterprise," hatched by top leadership of the Rashtriya Swayamsevak Sangh (RSS), the Vishwa Hindu Parishad (VHP), the Shiv Sena, and the BJP. The report characterizes the BJP as the "front organization" of the "militant" RSS. Liberhan also holds then Uttar Pradesh (U.P.) Chief Minister Kalyan Singh responsible for the violence (Comment: The SP was relieved it had dumped Singh last week, as he had already done sufficient damage to its Muslim vote bank. End Comment). The report includes a lengthy description of the mobilization of the protesters at Ayodhya, characterizing the preparation as "accomplished with phenomenal secrecy" and "technically flawless."

¶17. (U) Home Minister Chidambaram also presented the Action Taken Report (ATR), which details the government's response to the Liberhan's seven primary recommendations. In the ATR, the GOI responds to many of Liberhan's suggestions by pledging to introduce the Communal Violence (Prevention, Control, and Rehabilitation of Victims) Bill, which may establish special courts to try those accused of inciting such violence. The ATR does not single out individuals against which further action would be taken; however, Law Minister M. Veerappa Moily assured the media that "the government is bound to take positive action." The Congress Party Spokesperson Abhishek Singhvi said fresh cases would be filed against individuals named by the Commission who have not been tried previously if investigating agencies find new evidence against the accused. Currently there are cases

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against Advani and seven other BJP/VHP leaders in a Rae Bareli, U.P. court, as well as one case involving 49 accused in a special court for Ayodhya matters in Lucknow, U.P.

¶18. (U) Overall, the report provides little new information to those familiar with the mosque demolition. Journalist Sanjay Kapoor told Poloff "you need not have the wisdom of a Socrates or Plato to know about the culprits." Other contacts also condemned the huge cost of the report given its "temporary value." Asian Age Bureau Chief Amita Verma noted that "thousands of commission reports are eating dust in North and South Block...Muslims in U.P. have seen so many reports like that and dismiss them as the government's paper work ritual." Additionally, contacts conveyed that the report can only make recommendations; it is not legally binding. Even the recommendations have been criticized by contacts as weak. Liberhan indicts 68 individuals for bringing India to the brink of communal discord, yet it does not recommend filing charges for those who have not been tried, nor does it urge the government to expedite ongoing criminal proceedings. The report calls for the separation of religion and politics, but avoids making recommendations for near term steps to ensure justice in the demolition case or long-term measures to prevent a similar incident.

Comment: Win (the Opposition), Lose (Congress), or Draw (BJP)

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¶19. (SBU) Ultimately the big winner in the Liberhan drama is the Opposition, which once again proved that despite the disparate interests of individual parties, it can unite against the ruling coalition on selective issues. The UPA should be careful not to leave itself vulnerable to such displays of might again in the winter session. Despite its secure standing, Congress has not been able to govern in a way commensurate with its majority and consequently emerged as the big loser. If Congress expected the leak would divide the Opposition which had united against the ruling party on the sugarcane issue, it was mistaken -- the leak backfired miserably. What should have an opportunity for the UPA to further twist the knife in an already wounded BJP turned out to be a setback as the debate focused on the report's leak rather than its contents.

¶10. (SBU) The BJP and its affiliate organizations came out

even. While the report vilified BJP leaders, it also provided a powerful rallying cry for the party's core Hindu constituency, for whom Ayodhya strikes a powerful chord. As the BJP had faced near implosion over its feeble showing in the spring parliamentary elections (Ref C), Liberhan's drumming up of the ghosts of Ayodhya provides powerful fuel to keep the party and its issues alive. Overall, we expect the Liberhan furor to be short-lived as the public returns to more pressing issues, such as the cost of food staples.

India's *aam admi* (common man) cares more about commodity prices than commissions. END COMMENT.

WHITE